



COUNCIL MINUTES

August 31, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 31, 2009 at 5:47 p.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Pastor Scott Koolman, Desert Haven Church.

Pledge of Allegiance was led by Scout Tyler Oaks of Troop #514.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Mayor Smith stated that Mesa was fortunate to have over 200 citizens serving on the City's Advisory Boards and Committees. He said that, on behalf of the City, he wanted to recognize the contributions made by the individuals whose term of office expired on June 30, 2009. Mayor Smith noted that the City benefits from the knowledge and experience of these civic-minded citizens, and he requested that those who were present come forward to receive an award when Vice Mayor Jones announced their name.

Vice Mayor Jones read the names of the following individuals and the Board or Committee on which each served:

Michael Clement – Board of Adjustment
Vincent DiBella – Design Review Board
Jeffrey Jarvis – Downtown Development Committee
Theresa Carmichael – Economic Development Committee
Conrad Martin – Housing Advisory Board
John Matthews – Human Relations Advisory Board
Mark Tompert – Human Relations Advisory Board

Raymond Jones – Human Services Advisory Board
Linda Starr – Human Services Advisory Board
Marlon Branham – Judicial Advisory Board
Oonagh McQuarrie – Library Advisory Board
Jill Bonewell – Merit System Board
Hector Benitez – Museum & Cultural Advisory Board
Andrea Soto – Museum & Cultural Advisory Board
Sacajawea Ramona Tecumseh – Museum & Cultural Advisory Board
Russell Gillard – Parks & Recreation Board
Donna Kohlhasse – Personnel Appeals Board
Ken Salas – Planning & Zoning Board
Heather Moos – Transportation Advisory Board
Pat Esparza – Personnel Appeals Board and Planning & Zoning Board

Mayor Smith reported that he, Councilmember Higgins, City Manager Christopher Brady and City staff members attended an event at Special Devices Inc. (SDI), a manufacturing company that is consolidating its operations and relocating 250 jobs to Mesa from California. He said that SDI presented an award to the City in recognition of the services provided that facilitated the installation of their equipment during the construction phase.

Mayor Smith asked the following individuals to come forward: Development and Sustainability Director Christine Zielonka, Deputy Building Safety Directors Tammy Albright and Steve Hether, Senior Building Inspector Clyde Spillers, Building Inspector Mike Duncan and Fire Inspector Don Wilson. He stated that staff's efforts to accommodate the needs of this company was an example of how to "Build a Better Mesa" and, on behalf of the Council, he thanked them for their efforts.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was move by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that the consent agenda items be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes of the April 9 and 30 and August 20 and 24, 2009 meetings.

3. Conduct a public hearing prior to releasing the petition for signatures for the following proposed annexations:

- 3a. **A08-37 (District 5)** Annexing land located north of Brown Road and west of Ellsworth Road in the Sunrise Heights Subdivision (0.15± ac.). Initiated by the property owner, Harlan Finzer.

Mayor Smith announced that this was the time and place for a public hearing regarding the annexation of land located north of Brown Road and west of Ellsworth Road in the Sunrise Heights Subdivision.

There being no citizens present wishing to speak to this issue, Mayor Smith declared the public hearing closed.

- 3b. **A09-03 (District 5)** Annexing land located on the northeast corner of Brown Road and Crismon Road (5.78± ac.). Initiated by Curtis Leetham, authorized representative for the LDS Church.

Mayor Smith announced that this was the time and place for a public hearing regarding the annexation of land located on the northeast corner of Brown Road and Crimson Road.

There being no citizens present wishing to speak to this issue, Mayor Smith declared the public hearing closed.

4. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

- *4a. Public Hearing on Minor General Plan Amendment **GPMInor09-02 (District 6) (Continued to the September 14, 2009 Council meeting)**.

- *4b. Take action on the following resolution:

GPMInor09-02 (District 6) 10617 East Oasis Street. Located west of Signal Butte Road and south of Broadway (4.9± acres). Minor General Plan Amendment to change the land use designation from Parks (P) to High Density Residential 10-15 du per acre (HDR 10-15). This case will allow the development of a Supportive Housing Project. MARC Center owner; Saemisch DeBella Architects, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE Z09-08. (Continued to the September 14, 2009 Council meeting).**

P&Z Recommendation: Adoption. (Vote: 4-0-1) Boardmember DiBella abstained. Boardmember Perkinson absent.

- *4c. Take action on the following ordinance introduced at a prior Council meeting:

Z09-08 (District 6) 10617 East Oasis Street. Located west of Signal Butte Road and south of Broadway (4.9± acres). Rezone from R1-9 to R-3 with a Site Plan Review; also consider the preliminary plat. This case will allow the development of a Supportive Housing Project. MARC Center owner; Saemisch DiBella Architects applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE GPMInor09-02. (Continued to the September 14, 2009 Council meeting).**

P&Z Recommendation: Approval with Conditions. (Vote: 4-0-1) Boardmember DiBella abstained; Boardmember Perkinson absent.

5. Take action on the following liquor license applications:

*5a. Feathers Foundation Inc.

This is a one-day charitable event to be held on October 17, 2009 from 7:30 p.m. to 12:00 a.m. at 12 W. Main St. **(District 4)**.

5b. AZ Museum for Youth

New Government License for AZ Museum for Youth, 35 N. Robson St., City of Mesa Municipal Corp AC - Randy H. Vogel, Agent. No previous liquor license at this location **(District 4)**.

*5c. AZ Museum of Natural History

New Government License for AZ Museum of Natural History, 53 N. MacDonald St., City of Mesa Municipal Corp AC - Randy H. Vogel, Agent. No previous liquor license at this location **(District 4)**.

*5d. Valero

New Beer & Wine Store License for Valero, 1821 S. Country Club Dr., Tri Business Investment, LLC – Debbie Lan Nguyen, Agent. The previous Beer & Wine Store License held at this location by St. Food Mart Inc. will revert back to the State **(District 4)**.

6. Take action on the following contracts:

*6a. Term Supply Contract for Disposable Medical Examination Gloves for the Fire Department **(Citywide)**.

The Purchasing Division recommends awarding the contract to the highest scored vendor, Bound Tree Medical, LLC at \$45,000.00 annually, based on estimated purchases.

*6b. Renewal of the Term Supply Contract for Library Spoken Word Materials for the Library **(Citywide)**.

The Purchasing Division recommends authorizing renewal of the contract with BBC Audiobooks America at \$15,000.00 and Books on Tape, Inc. at \$30,000.00 for the total renewal contract of \$45,000.00, based on estimated annual purchases.

*6c. Renewal of the Term Contract for Recapping of Tires for the Materials and Supply Warehouse **(Citywide)**.

The Purchasing Division recommends authorizing renewal of the contract with Michelin North America, Inc. at \$423,616.88 and Roberts Tire Sales, Inc., a Mesa business, at \$141,205.63 for a combined total award of \$564,822.51 annually, based on estimated requirements.

- *6d. Term Supply Contract for Water Meter Boxes and Lids for the Materials and Supply Warehouse **(Citywide)**.

The Purchasing Division recommends awarding the contract to Farnsworth Wholesale Company, a Mesa business, at \$69,009.97, based on estimated annual purchases.

- *6e. Desert Sands Water Line Replacement **(District 6)**.

City Project No. 01-559-002. This project will replace existing water lines that were installed in 1969 with approximately 24,000 linear feet of new 8-inch diameter water lines within the right-of-way of the Desert Sands neighborhood located north of Baseline Road and south of US 60, from 72nd Street to 77th Street. The existing waterlines will be abandoned. Forty-three (43) fire hydrants will be installed to serve the neighborhood. This project will also replace approximately 500 existing water meters.

Recommend award to the low bidder, Lee's Pipelines Inc., in the amount of \$2,014,045.00 plus an additional \$201,404.50 (10% allowance for change orders) for a total award of \$2,215,449.50. Funding is available from the approved FY 08/09 Water Bond Capital Program.

- *6f. Greenfield Road Reconstruction, Widening; Baseline Road to Southern Avenue **(District 6)**.

City Project No. 04-844-001. This project consists of widening the roadway for approximately one mile to provide three (3) through lanes in each direction with dual left turns at the major intersections. It will include new pavement, curb and gutter, sidewalk, a raised landscaped median on Greenfield Road, traffic signals, roadway lighting and landscaping. As part of the widening of the bridge over the Salt River Project (SRP) Eastern Canal the roadway will be widened to accommodate the additional traffic lanes. This contract is for the construction phase work to be performed by the Construction Manager at Risk (CMAR), Haydon Building Corporation.

Recommend award of the Construction Phase Services contract to Haydon Building Corporation, with a Guaranteed Maximum Price (GMP) of \$6,263,538.00 plus an additional \$626,353.80 (10% allowance for change orders) for a total award of \$6,889,891.80. Funding is available from the adopted FY 09/10 Streets Bond Capital Program. In addition, the Maricopa Association of Governments (MAG) Regional Transportation Plan (RTP) (Proposition 400) Program will reimburse Mesa a total of \$4,837,000 once construction is complete.

- *6g. 2009/2010 Crack Seal Project **(Citywide)**.

City Project No. 09-906-001. This project will crack seal various streets throughout the City to prevent water from penetrating below the pavement, which leads to deterioration of the pavement. This project will seal approximately 3,653,237 square yards of pavement throughout the City.

Recommend award to the low bidder, Cholla Pavement Maintenance, in the amount of \$811,838.57 plus an additional \$81,183.86 (10% allowance for change orders) for a total

award of \$893,022.43. This project is funded from the approved FY 09/10 Transportation Operations Budget.

7. Take action on the following resolutions:

- *7a. Approving and authorizing the City Manager to execute an Airport Development Reimbursable Grant Agreement – Amendment Number 1 between the State of Arizona, Arizona Department of Transportation (Aeronautics Division) and the City of Mesa to extend Grant Number E7S26 (Eastside Aeronautical Use Development and Taxiway Design) expiration date to June 30, 2011 – Resolution No. 9551 (**District 5**).
- *7b. Approving and authorizing the City Manager to execute an Airport Development Reimbursable Grant Agreement – Amendment Number 1 between the State of Arizona, Arizona Department of Transportation (Aeronautics Division) and the City of Mesa to extend Grant Number E7S59 (Master Plan Update – Phase 2) expiration date to June 30, 2011 – Resolution No. 9552 (**District 5**).
- *7c. Approve and authorize the City Manager to execute a Grant Agreement between the City of Mesa and the Governor's Office of Highway Safety to accept grant funds in the amount of \$50,000 for participation in the Occupant Protection Enforcement Program (Click It or Ticket) – Resolution No. 9553.
- *7d. Supporting the United States Census Bureau's desire to conduct a complete and accurate count of all Mesa residents as of April 1, 2010 – Resolution No. 9554.

8. Introduction of the following ordinances and setting September 14, 2009, as the date of the public hearing on these ordinances:

- *8a. Amending Section 1-12-8 of the Mesa City Code to authorize the Presiding City Magistrate to appoint Court Commissioners.
- *8b. **Z09-07 (District 6)** 10617 East Oasis Street. Located south of Broadway Road and west of Signal Butte Road. (4.9± acres). Rezone from Maricopa County R1-8 to City of Mesa R1-9. For the establishment of City of Mesa zoning on recently annexed property. City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

9. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- *9a. **A08-18 (District 6)** Annexing land located just south of Broadway Road and west of Signal Butte Road (4.9± acres). Initiated by the applicant, Pat Gilbert, for the Marc Center – Ordinance No. 4943.
- *9b. **Z09-15 (District 6)** 8257 East Guadalupe Road, Suites 9 – 13. Located west of Hawes Road on the south side of Guadalupe Road. Council Use Permit. This request will allow a charter school in a C-2 district. Pamela Johns, Guadalupe Hawes Dev. Investors, LLC,

owner; Jill Gaitens, Vistas Leadership Academy, applicant – Ordinance No. 4944. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0) Boardmember Roberts absent.

- *9c. Amending Title 8, Chapter 6 of the Mesa City Code to establish and implement an individual residential rental inspection program – Ordinance No. 4945.

*10. Assign delinquent accounts to collection services for the three-month period ending June 30, 2009, totaling \$493,321.

11. Items from citizens present.

There were no items from citizens present.

Mayor Smith acknowledged the service and sacrifice of Army Captain Cory Jenkins, a Mesa resident who recently lost his life in Afghanistan. He noted that Captain Jenkins is the twelfth Mesa resident to die in Iraq and Afghanistan. Mayor Smith, on behalf of the Council and the City, extended sympathy to the Jenkins' family, and he announced that the City's flags would fly at half staff in honor of Captain Jenkins.

12. Adjournment.

Without objection, the meeting adjourned at 6:08 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 31st day of August 2009. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

baa